

AO 91 (Rev. 08/09) Criminal Complaint

FILED

MAY 31 2019

Mark C. McCartt, Clerk  
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT

for the

Northern District of Oklahoma

United States of America

V.

Case No. 19-mj-118-PJC

DUSTIN WAYNE THOMPSON

FILED UNDER SEAL

*Defendant(s)*

## **CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 12, 2019 in the county of Tulsa in the Northern District of Oklahoma, the defendant(s) violated:

### *Code Section*

### *Offense Description*

18 U.S.C. §§ 922(g)(1) and 924(a)  
(2) Felon in Possession of a Firearm and Ammunition

This criminal complaint is based on these facts:

See Attached Affidavit by Brett Williams, Senior Special Agent, ATF.

Continued on the attached sheet.

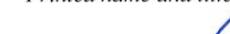
Complainant's signature

Brett Williams, Senior Special Agent, ATF

Sworn to before me and signed in my presence.

Date: 05/31/2019

City and state: Tulsa, OK

*Printed name and title*  
  
*Judge's signature*

## AFFIDAVIT

The affiant being duly sworn does depose and state the following:

1. I am a Senior Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been employed in this capacity since September of 2003 and am currently assigned to the Dallas Field Division, Tulsa field office of the ATF. Previously I was employed as a Police Officer with the City of Tulsa for 6 years. I successfully completed the Council on Law Enforcement Education and Training Academy as required by the State of Oklahoma for peace officer certification. I also completed the Criminal Investigator Training Program required by the ATF to be an ATF criminal investigator. I also completed the New Professional Training Academy required by ATF for all special agents employed by ATF. I also received a Bachelor of Arts degree in Criminal Justice from Oklahoma City University in Oklahoma City, Oklahoma. In connection with my official duties as an ATF Special Agent, I investigate criminal violations of Federal Firearms Laws, Federal Arson Laws, Federal Explosives Laws, and Federal Narcotics laws.

2. During the first four (4) years of my employment with ATF, I was assigned to the Seattle Field Division Violent Gang Task Force where I was responsible for investigating criminal violations of Federal Firearms Laws and the Controlled Substances Act. I have been the affiant for numerous state and federal search warrants. I have been involved in multiple investigations over my career which have resulted in the seizure of controlled substances and firearms, resulting in the successful prosecution of individuals

involved. During my career, I have received hundreds of hours of training, including training regarding the investigation of those who are involved in the armed illicit distribution of controlled substances and training regarding individuals who commit fraudulent acts. I have received training and have experience including, but not limited to, working in an undercover capacity, surveillance, management of confidential informants, drug-trafficking conspiracies, money laundering, organized criminal activity investigations, the preparation and execution of firearm and drug related search warrants and debriefing of informants and witnesses. Based on my training and experience, it is common for drug dealers to carry firearms to protect themselves from being harmed during a drug transaction. Drug dealers also commonly utilize firearms as a means of protecting their drugs and/or proceeds from potential robbery.

3. I am an ATF Crime Gun Intelligence Expert (CGIE) and as such have received training in the National Integrate Ballistics Network (NIBIN), firearms trafficking, and firearms related violent crimes. As part of the training I have toured the ATF Atlanta Laboratory and received specific training on the use of the TRAXX and IBIS machines and what they specifically analyze. In my role as a CGIE I am responsible for providing advice and technical knowledge to Police Departments, Forensic Laboratories, and other intelligence groups working violent gun crimes. I work with the Tulsa Police Departments Crime Gun Unit to stop the shooting cycle by investigating violent gun related crimes via intelligence and forensic based policing.

4. On March 12, 2019, Officer R. Russo from the Tulsa Police Department Gilcrease Division was radio assigned to a shooting call at 2855 East Tecumseh Street, Tulsa, Oklahoma. This location is within the Northern District of Oklahoma. When Officer Russo arrived, he could see the victim, Donny Robinson, lying on the ground and the defendant, Dustin Thompson, attempting to leave the scene in a black Jeep Cherokee. After detaining Thompson, Officer Russo made contact with Robinson, who is deaf. Robinson pointed out Thompson as the person who shot him. A witness nearby heard several shots fired in rapid succession.

5. Robinson received medical treatment at the scene before being transported to St. John's Hospital. Thompson was transported to the Detective Division by patrol where Homicide Detective Zenoni conducted a post-*Miranda* interview with him. Thompson initially denied the shooting and then said he had a BB gun before cooperating with Detective Zenoni. Thompson said the house at 2855 East Tecumseh was vacant and had people squatting in it all the time. Thompson said he went outside to tell the two males at the residence to leave after his wife saw them there. He said a white truck drove off when he got there and a male came out from the residence carrying some type of pole and yelling at him. He said the male advanced on him, so he drew the firearm. Thompson said he was outside of the fence and the male was just right there when he discharged the firearm into the ground three or four times. Thompson said he hid the firearm in his truck under the front seat after the shooting and attempted to render aid to the male. Thompson told Zenoni

that the firearm was inside of his truck, and signed a consent waiver for police to search his truck.

6. Tulsa Police Department Crime Scene Corporal T.J. Campbell arrived. He processed the scene and collected evidence. Cpl. Campbell recovered a Glock, Model 21, .45 caliber handgun bearing serial number YUU216 from a Chevrolet Silverado parked in front of 2835 East Tecumseh Street, which is Thompson's residence. This location is within the Northern District of Oklahoma. The Glock handgun had a cartridge case jammed in the chamber, and the magazine was loaded with one Hornady .45 caliber round. Zenoni also located two 45 auto cartridge casings in the grassy curtilage west of a pool of blood located inside the fenced front yard of 2855 East Tecumseh Street.

7. On March 12, Thompson was a convicted felon. He had been previously convicted of the following crimes punishable by imprisonment for terms exceeding one year:

1. Assault and Battery on a Police Officer (Count One), Case No. CF-2014-2509, in the District Court of Tulsa County, State of Oklahoma, on January 23, 2015; and
2. Assault and Battery on a Police Officer (Count Two), Case No. CF-2014-2509, in the District Court of Tulsa County, State of Oklahoma, on January 23, 2015;

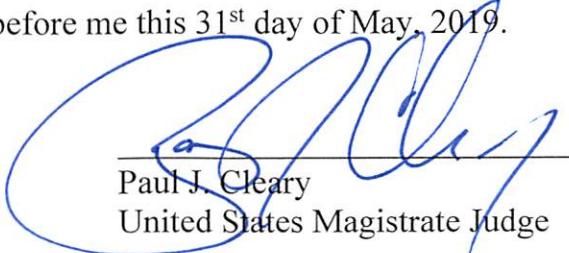
8. ATF Special Agent Lucas Keck, a nexus expert, conducted a visual examination of the Glock Handgun bearing serial number YUU216 and the single .45 caliber Hornady round located within the magazine of the Glock. Keck determined that the Glock Handgun bearing serial number YUU216 and the single .45 caliber Hornady round were not manufactured in the State of Oklahoma, and therefore, they had previously traveled in interstate commerce prior to getting to Oklahoma.

9. To the best of knowledge and belief, all statements made in this affidavit are true and correct. And that based on the foregoing facts, I believe probable cause exists for the issuance of an arrest warrant for Dustin Wayne Thompson for felon in possession of a firearm and ammunition in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).



Brett Williams  
Senior Special Agent, ATF

Sworn to and subscribed before me this 31<sup>st</sup> day of May, 2019.



Paul J. Cleary  
United States Magistrate Judge